

REMARKS

Applicant hereby adds claims 24-30. Accordingly, claims 9-30 are pending in the present application.

Claims 9-23 stand rejected under 35 USC 102(e) for anticipation over U.S. Patent No. 6,430,711 B1 to Sekizawa.

Applicant respectfully traverses the rejections and urges allowance of the present application.

Referring to the anticipation rejections, Applicant notes the requirements of MPEP §2131 (8th ed., rev. 2), which states that TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM. The **identical invention** must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Referring to independent claim 1, the method recites *communicating a request externally of the image forming device using the image forming device*. The Office on page 3 recites teachings in cols. 18-19 as allegedly disclosing limitations of claim 1. At page 3, the Office states the agent unit communicates a request to console unit 20 which receives the message. However, *the communications of the agent unit may not be fairly considered to disclose or suggest the communicating the request using the image forming device*. The claimed communicating using the image forming device is not disclosed nor suggested by the prior art and claim 9 is allowable for at least this reason.

At col. 19, lines 20+, it is stated that agent unit 10 gets status information ϕ 1 and prepares status mail ϕ 2 storing the status information ϕ 1 and which is sent to mail server 19. *The status information ϕ 1 is not disclosed as comprising a request*. Status information ϕ 1 is explicitly disclosed as the operation state of each printer and the toner remaining amount, ink remaining amount, and photosensitive drum remaining life. *In no fair interpretation may the status information communicated by the image forming device be considered to disclose or suggest the communication of a request*. The Office has failed to identify any teachings that a request is included with the status information. *Further, the communication*

of ϕ 2 is performed by the agent 10 which may not be fairly considered to disclose or suggest the claimed communicating the request using image forming device. Claim 9 is allowable for at least this reason.

In addition, claim 9 also recites receiving a message responsive to the communicating the request and communicating the message using the image forming device. The teachings in cols. 18-19 of Sekizawa fail to disclose or suggest communication of a message using the image forming device, the message received responsive to the communication of the request. The status information ϕ 1 communicated by the printers of Sekizawa does not disclose or suggest the claimed receiving a message or communicating the message received responsive to the communicating the request. The claimed communicating the message using the image forming device is not disclosed nor suggested by Sekizawa and claim 9 is allowable for this additional reason.

As set forth above, numerous positively-recited limitations of claim 9 are not disclosed nor suggested by the prior art and claim 9 is allowable for at least this reason.

Applicants have identified herein numerous claimed limitations which are not disclosed nor suggested by the teachings of the prior art identified by the Office. In the event that a rejection of the claims is maintained with respect to the prior art, or a new rejection made, Applicants respectfully request identification *in a non-final action* of elements which allegedly correspond to limitations of the claims in accordance with 37 C.F.R. §1.104(c)(2). In particular, 37 C.F.R. §1.104(c)(2) provides that *the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified*. Further, 37 C.F.R. §1.104(c)(2) states that the Examiner must cite the best references at their command. *When a reference is complex or shows or describes inventions other than that claimed by Applicants, the particular teachings relied upon must be designated as nearly as practicable*. Applicants respectfully request clarification of the rejections with respect to specific references and specific reference teachings therein pursuant to 37 C.F.R. §1.104(c)(2) in a non-final Action if claim 9 is not found to be allowable.

The claims which depend from independent claim 9 are in condition for allowance for the reasons discussed above with respect to the independent claim as

well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to dependent claim 10, the accessing comprises *accessing the condition from the consumable*. The teachings at lines 21-35 of col. 19 fail to disclose or suggest the claimed accessing of anything from a consumable let alone the specifically claimed condition. The identified teachings of col. 19 merely state that agent unit 10 gets status information from the printer and which includes information regarding a status of a consumable. The identified teachings do not teach or suggest *accessing a condition associated with an operation of the image forming device from the consumable* as claimed. Claim 10 is allowable for at least this additional reason, and if claim 10 is not allowed, Applicant respectfully requests identification of teachings of the prior which allegedly disclose the claimed accessing of the condition from the consumable in a *non-final Action* so Applicant may appropriately respond during the prosecution of this application.

Referring to dependent claims 11-15, the identified teachings relied upon the Office are void of teaching or suggesting the claimed *accessing of the condition*. Applicant respectfully requests clarification in a *non-final Action* by indicating to Applicant the specific reference teachings by reference number, line number, etc. of Sekizawa as allegedly disclosing the claimed condition so Applicant may appropriately respond during the prosecution of this application. The teachings identified by the Office merely state that the printer communicates the status information without disclosure of the claimed accessing a condition, or the claimed condition relates to a status of a consumable, not related to a status of a consumable, related to a life span of the image forming device, or related to a status of another consumable *not having the condition* or a plurality of conditions related to statuses of a plurality of consumables as recited in respective ones of claims 11-15. Claims 11-15 are allowable.

Referring to claim 16, the method recites communicating the request including an identifier of the image forming device *using the image forming device*. The Office relies upon teachings of Fig. 17 and cols. 20-21 as allegedly disclosing the limitations of claim 16. However, Fig. 17 refers to a *printer registration log file which is retained within the agent unit 10* and not the image forming device (col. 17, lines 51-55, col. 19, line 45-col. 20, line 1). The operations of the agent unit

external of the printers P of Sekizawa fail to teach or suggest *communicating the request including the identifier using the image forming device* as claimed. Claim 16 is allowable for this additional reason.

Referring to independent claim 17, the method recites *communicating a request externally of the image forming device using the image forming device*. The communications of the agent unit relied upon the Office may not be fairly considered to disclose or suggest the communicating the request using the image forming device. Further, the *status information communicated by the image forming device may not be fairly considered to disclose or suggest the communication of a request*. The claimed communicating the request is not disclosed by Sekizawa and claim 1 is allowable for at least this reason.

The teachings in cols. 18-19 of Sekizawa also fail to disclose or suggest *communicating a message responsive to the receiving the request and communicating the message using the image forming device*. The teachings of Sekizawa relied upon by the Office fail to disclose or suggest *communicating a message responsive to a request and communicating the message using an image forming device*. Claim 17 is allowable for at least this additional reason.

Claim 17 further recites *communicating the request to a marketing system and communicating the message using the marketing system responsive to receiving the request*. The Office on page 3 states that unit 20 corresponds to a unit of marketing system as it organizes delivery schedules of consumables. Applicant respectfully submits the organization of a schedule fails to disclose or suggest the claimed marketing system. Applicant has electronically searched Sekizawa and failed to uncover any mention of marketing in Sekizawa. The communicating the request to a marketing system and communicating the message using the marketing system as defined in claim 17 are not disclosed nor suggested by the prior art and claim 17 is allowable for at least this reason.

As set forth above, numerous positively-recited limitations of claim 17 are not disclosed nor suggested by the prior art and claim 17 is allowable for at least this reason.

If claim 17 is not allowed, Applicant respectfully requests issuance of a non-final Action to identify teachings of the prior art in accordance with the CFR which allegedly disclose the communicating the request, and both communicatings of the

message so Applicant may appropriately respond during the prosecution of the present application.

The claims which depend from independent claim 17 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to claim 23, the Office relies upon the teachings of col. 19, lines 15-35 as allegedly disclosing the claimed selecting and communicating the message after the selecting. The identified reference teachings are void of the limitations of claim 23. The teachings merely refer to a console unit reading a large number of pieces of mail and that the console unit may send a delivery schedule or a printer check sheet. The teachings fail to disclose or suggest the claimed *selecting the message from a plurality of other messages using the identifier* as specifically defined in claim 23. If claim 23 is not allowed and in accordance with the CFR, Applicant respectfully requests identification of the specific teachings of a *plurality of messages and the selection using the identifier* defined in claim 23 so Applicant may appropriately respond during the prosecution of the application.

Applicant hereby adds new claims 24-30 which are supported at least by Figures 1-4 and 6 and the associated specification teachings of the originally-filed application.


Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Quintin T. Phillips

By:



James D. Shaurette

Reg. No. 39,833

Date: 5/4/05